

PUBLIC MEETING

ALI CURUNG — Tuesday 18 April 1989

PRESENT: -

Committee:

Mr S. Hatton (Chairman)

Mr B. Ede (Deputy Chairman)

Mr C. Firmin

Mr W. Lanhupuy

Mr D. Leo

Mr R. Setter

Officers assisting the committee:

Mr R. Gray (Executive Officer)

Mr G. Nicholson (Legal Adviser)

Appearing before the committee:

Mr JAMES

NOTE: This is a verbatim transcript that has been tape-checked.

ISSUED: 27 July 1989.

Mr HATTON: Ladies and gentlemen, I am going to have to yell so that you can hear me. I hope that you understand what I am trying to say. My name is Steve Hatton. I am the chairman of this committee of the Northern Territory parliament. It is a committee that will write a constitution for the Northern Territory. I have with me a man whom you know, Brian Ede, your local member, and Mr Rick Setter, the member for Jingili in Darwin. They are also members of this committee. If you look in the back of that book, you will see the photos of all the people who are on our committee. You will see that there are 3 people from the government side, the CLP side, and 3 people from the Labor Party side, the opposition side. We are equal numbers. You know that on many occasions the CLP and the Labor party argue and fight about things. Sometimes, however, we both believe that something is really important for the Northern Territory and we want to work together to get it going properly. This job of writing a constitution is one of those things and so we are working together. We are both saying the same thing and working with the Northern Territory people to try to get this job done.

You have all heard lots of things being said over the last few years about the Northern Territory becoming a state. Some people think that is a good idea and that we should do it really quickly. Other people think that we are not ready yet and that we should hold off for a while. Other people do not want a state. Today, we are not asking you if you think statehood is good or bad. That is another question for another time. Before we can even think about that question, we have got to ask ourselves as Territorians what we want this Northern Territory to be like for our children and our grandchildren. How do we want it to work? What sort of rights should we have and how do we protect those? What sort of a place do we want to leave for our children? When we all agree on what we want, then we can start talking about becoming a state, but not before that time.

Our first job is to work out what we want this Northern Territory to be like for our children and for our grandchildren. The way that we do that is that you and all the people in the Northern Territory make their own law. It is called a constitution.

It is a law of the people, a law that is there for all time, a law that is boss over the government and boss over the courts, a law that tells the government what it can do and what it cannot do. It is a law that can protect the really important rights of the people. It is a law made by the people, a law that the government cannot muck around with. If it wants to change that law, it must go back and ask the people. If the people say no, the government cannot touch it. Do you remember that, last year, you were asked to vote in a referendum to amend the Australian constitution? You had to say yes or no to 4 questions relating to the federal constitution. The people had a look and told the government to leave it alone. The government could not touch it because that is the people's law too.

The same would apply if we had a constitution. All the states in this country - Queensland, Western Australia, South Australia, New South Wales, Victoria, Tasmania - and the government in Canberra have a constitution over the top of them, a law over the top of them. The Northern Territory does not have that. There is no law like this and so the federal government can do what it likes. It can give you things and it can take things away from you and you do not have any say except to vote for people. But, if we all write this law and make it strong and good, it will become a law that will tell the government that it must do this and must not do that. It will place rules on it.

We have come here to tell you about this job. It is just starting today, this week, this year. It is a long job which is going to take a lot of work. It is not going to happen quickly because it is the people's law. The people must write that law, not the politicians, not the lawyers, not the university men. It must be owned by the people and it can only be owned by the people if the people write it and ensure that they are happy with it. It is strong because it comes from the people. In many ways, it is like Aboriginal law which is there forever, does not change and sets the ground rules for your life. This constitution is a white man's way of doing the same thing. Governments will change and they will make different decisions but, at least in regard to those really important things, they must keep going in the same way all the time. However, that can be done only if the people make it that way. The people must make that law and we are here to tell you that you must start thinking about what is important to you as a Territorian, what is important to you in your life, your religion, your land or whatever. You have to think about what should go into this law that the government cannot muck around with.

I know you will want to tell me now, but I do not want you to tell me now. I have come here today to say we are starting this job and to ask you as a community to talk about this, to read the material, to listen to what other people are saying and to get your ideas together. When we come back later, you can tell us what you think should go in there. It is our job to find out what you want. After we have heard the ideas of people from here, from Arnhem Land, from the Centre, from Darwin and Alice Springs and everywhere else, we will sit down and write out what we think the people are saying to us. After that, because you can't merely trust politicians on this one, we will form a big committee of representatives from all over the place who can speak on behalf of the people, black and white, Chinese, the city people and the bush people - everyone. These people will look at our work, perhaps make some changes and write it up again to ensure that it is what the people are saying.

Our job is to come up with the ideas of the people and put them to that big committee called a constitutional convention. The job of that convention will be to write the constitution. When they have finished doing that, they will put it to the people to vote on. If the people vote yes, that is the law. If the people vote no, we will have to go back and start talking and working again until we get the one that the people say that they want. It is the people's law. It is a law that will say how this Northern Territory is going to work, not just next year, but in 10 years, 20 years and 100 years. If we do this right, our grandchildren will look back and say that we did a good job and made a good place for them to live. If we walk away from this job, if we do not do it, and we keep mucking around like we are doing now, they are going to look back and say that we were no good, that we did not do the job that we should have done for them.

We have a responsibility to our children and our grandchildren to make a place that will be good for them. We do that by working together to write this law so that all the people of the Northern Territory can come together and go forward together in a good place where people can live together with respect. But you have got to write that law, not me by myself. All of us have to write it together so that we can all say that is what we want. That is our job. My job is to get you to talk, to think, to have your say in this really important job. Everyone in the community, black and white, has to live together properly in the future. We have to write a law that enables us to do that. We must make our own law, not have some bloke in Canberra telling us how to run our lives. We must stand up like adults and say that this is how we are going to live and that we are going to make this a good place for all of us.

That is what our job is. As I said, there is no time limit. We have got to do this one properly and we have got to do it together. If we do that, we will have a good place, something we can be proud of and we will have done a job that will make our grandchildren proud of us. To help you with that, we have done a bit of homework. This book will give you a

few ideas. We have a thicker book here and we will leave some copies with you. That has ideas from all over the world that you can think about. You might like some and you might not like others. That is all right. You might think of things that we did not think about. That is all right too. You must have your say and tell us what you think is good and what you think is bad. It is the only way. You must have your say and become involved if this job is to be done properly. We are here to ask you to become involved and work together for the future.

Mr EDE: People often say to me: 'What is a constitution?' I can tell you what it is a little bit like. Today is Tuesday. On Thursday, some people from the Department Education of will be coming up here to Ali Curung to ask you how you want your school to be run. People have been talking about changing it to make it a full Aboriginal school. The people from the Department of Education are not going to do that on their own. They want to find out what the community wants, what you people want. If they come here and nobody says anything, everybody just keeps quiet, they will go away and nothing will change. But, if people really want their school to go in a certain way, they will stand up and speak out at that meeting on Thursday. They will say: 'This is how we want our school to run' They will tell those people that that is what will happen. That is a very important thing for the school, a very important thing for the education of all the young children here and an important thing for the community.

The constitution and the work that we are doing on it is a bit like that, but it is not just for education and it is not just for Ali Curung. It is for all the people in the Northern Territory and for all the things like education, health, parliament - everything. The constitution is about the way in which everybody wants the Northern Territory to run in the future for their children, for their children's children and forever. What sort of Territory do we want? Do we want one where there are continual arguments about land rights, sacred sites or do we want to put all that behind us and work together?

There is another thing that people say to me. They say: 'Hey, you are in the Labor Party. What are you doing standing up for these CLP mob and coming around on this meeting?' I am doing that because I believe that, if we can get some really important things into this constitution, they will be things we will be able to hold on to for a long time. When I travel around talking about things like laws that affect the Northern Territory, people say: 'This whitefellow mob, their law goes like this. It is not like Aboriginal law which goes straight and comes from way back. It goes straight ahead and does not change. Whitefellow law is going all over the place. Sometimes we agree with it and sometimes the two go bump and we have an argument'.

That is why, with this constitution law, we are trying to find out what everybody wants and what Aboriginal people think are the important things from their law that they want to put into that constitution so that the two of them can go side by side. On those things then, you would have whitefellow law going the same way as Aboriginal law and we would not have those arguments about sacred sites or land rights or whatever. I cannot put that in that law because I am only one fellow. It has got to come from all the Aboriginal people. They have to all stand up and say that that is what they want. I am not letting them make this constitution up in Darwin where some clever fellow is sitting in an office in air-conditioning somewhere. No way. That is why we are out here talking to the people. That is why we are finding out from the people all around the Northern Territory what the things are that they want and what things are really important to them.

We are not asking you to stand up today and answer straight back. No way. We have come out today just to open it up, to tell you some things and give you some books so that everybody can talk about this and think about it ...

NOTE: NEXT TAPE (106) HAS NOTHING ON IT. IT SHOULD HAVE HAD THE CONTINUATION OF Mr EDE'S COMMENTS AND THE BEGINNING OF Mr SETTER'S.

Mr SETTER: ... The Northern Territory is not a state. As Steve said, we are not here to talk about becoming a state. And that is true. That is a question or an argument for some time in the future. But, it is very important that we develop this new law, this constitution. It is like a bible, a very strong law. We need to develop it now for 2 reasons: (1) it will give us protection because it will enshrine certain things like land rights which cannot be changed or it is very difficult to change them and (2) it will be a stepping stone towards becoming a state.

At the moment, we are a territory and we do not have the same rights as the states have. If you go back in time, prior to 1978, our relationship with the Australian government was like a little child to a parent, to an adult, the father or mother. The Northern Territory was just a child and the Australian government was the parent. In 1978, we achieved self-government. For the first time, we could make most of the decisions affecting our future here in the Northern Territory. That is when Steve and Brian and myself and our colleagues in the parliament formed a self-governing

government for the Northern Territory. That was the next step. So, in 1978, we grew up from a little child to a teenager. We are still not an adult. When we develop a constitution, that will be a next step. That will bring us up almost to the same as our brother and sister states, not exactly the same but almost the same.

That is why it is important. We need the same protection that all those brother and sister states have. At the moment, the parent, the Commonwealth government, can come along to the Northern Territory and tell us to do things and we have to do them just as you fathers and mothers tell your children what to do and they must do it. But, when your son or your daughter grows up and becomes an adult, they make their own decisions. And that is what we want to do. We want to grow up and make our own decisions. That is very important and developing this new law, this constitution, is part of that growing up process. But, as Steve and Brian said to you, it would be very easy for us to sit down in Darwin and write a constitution for you without asking you. But, that is no good. We are here today to explain to you what we are doing, to ask you to think about it, to read the books and to have meetings so that, when we come back later this year or early next year, we can have another meeting and you can tell us what you think. We are very interested in your opinions. I ask you to talk about it and think about it and be ready to discuss it with us when we come back to this place next time.

Mr HATTON: Thank you, Rick. We have done enough talking. We are not here today to find out what you think should go into this constitution but to try to explain what we are doing and to provide you with information so that you can go away and think and talk about it as a community. If you are not sure about something or if you want more information about some things, there is a telephone number in that book that you can ring. It will cost you nothing to ring up because it is a free phone. Our people will send you the information. If you want us to come back and talk about something, we will come back and talk about it to help you think about it so that, when we come back later this year or early next year, you will have had a good chance to talk properly about it and you will be able to say what you think. You can tell us next time. That is what we want.

We also want you to think about who should go on that big committee. Who should be the representatives on the committee to look at the work we do? That is important too. It has to be the right one. We have all got to think carefully about that. I am not going to say anything more now except that, if you do not understand something that we have said, please ask us now. Does anyone want to say anything? I am not trying to force people to talk. I just want to know whether you want to talk, whether you want to ask any questions or whether you just want us to go away. I do not mind either way.

Mr JAMES: We will read it and think about it and, when you come next time, we will ask questions then.

Mr HATTON: Yes. Are you getting some idea of what we are trying to do?

Mr JAMES: No.

Mr HATTON: Not quite yet. Do you understand what we are talking about with the constitution?

Mr JAMES: No, not really.

Mr HATTON: You are talking about going to community government. You have got to sit down and work out all the rules about how you are going to elect the council, who is going to run the council and what the council can do and cannot do. You make the rules for it. Well, it is like that sort of job except that it is for the whole Northern Territory. As a community, you have to sit down and talk about things for the council and you have to do the same thing for the Northern Territory. It is a bigger job because there are a lot more people to talk to.

That book there will give you some idea about it. That green book - and we will leave some copies for you - has got some more ideas in it. As Brian said, you might think there are some of your rights that you do not want the government to be able to muck around with. It might be the right to vote. You do not want the government to be able to touch that. It might be your right to speak freely or the protection of your religion. Those are the really important things that you put into a constitution. Okay? The other things that are not so important can be put in the laws and you can argue with the government about that and vote about those things. However, the constitution is there all the time.

Mr EDE: Does anybody have any questions or anything to say about the things that we have been talking about. If so, we ask you to use that microphone so that we have what you say down on a tape-recording. It does not matter whether it is in language or whatever. We will take it back and write it all out.

Mr HATTON: It is not many times that we have a chance to make the rules for the government. Brian Ede sometimes uses

the example of a dog that is always biting people. You put a rope around its neck so that it can run around within the length of that rope but it cannot get outside that area. If we think that the dog is really crazy, we give it a short rope and perhaps a little more later on. That is what you are doing with a constitution. You are putting a rope around the government's neck so that it can only go around in a certain area and not go outside it. That is where the people have the power.

Mr JAMES: The only way is to get an interpreter to interpret the different languages. Some of the people cannot speak English.

Mr HATTON: Yes. We are going to try to put what we are saying in different languages on tapes or videos so that people can listen to it. We will also try to get the books on to tapes in language.

Mr JAMES: They will put it on to tape and send it out.

Mr HATTON: What is important is for you to know that this is not going to be a rush job. We must make sure people understand what they are doing. What we have to do is to help people understand so that they have a chance to have their say about it.

Mr JAMES: You can't rush it.

Mr HATTON: If this job was done really quickly, I reckon it would take us 3 to 5 years. That is a quick job.

Mr JAMES: (Inaudible).

Mr HATTON: If you want us to come back again just to talk about some of the different things while you are thinking about it, just tell us. We will organise a time and come down when it is convenient and talk more about different things.

Mr JAMES: (Inaudible).

Mr HATTON: Special seats for Aborigines. They have that in New Zealand. They have certain seats for Maoris in the parliament. It is important to remember that the Maori people do not get 2 votes. You could have 2 seats or 4 seats out of 25 for Aboriginal people.

Tape ends.